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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 UNITED STATES OF AMERICA,) CASE NO.: CR02-286L
10 Plaintiff,)
11 v.) SUMMARY REPORT OF U.S.
12 MICHAEL KEITH CUMMINGS,) MAGISTRATE JUDGE AS TO
13 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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15 An evidentiary hearing on supervised release revocation in this case was scheduled before
16 me on July 6, 2005. The United States was represented by AUSA William H. Redkey, Jr. and the
17 defendant by Timothy Lohraff. The proceedings were recorded on cassette tape.

18 Defendant had been sentenced on or about December 13, 2002, by the Honorable Robert
19 S. Lasnik on a charge of Felon in Possession of a Firearm and sentenced to 45 months Custody,
20 3 years Supervised Release.

21 The conditions of supervised release included requirements that defendant comply with all
22 local, state, and federal laws and with the standard conditions of supervision. Other special
23 conditions included no firearms, narcotic addiction/drug dependency treatment and mandatory
24 testing, refrain from alcohol and other intoxicants, submit to search, participate in a mental health
25 program, and provide access to financial information. (DKT. 21)

26 In an application dated May 25, 2005, U.S. Probation Officer Jennifer J. Tien alleged the

following violations of the conditions of supervised release:

1. Committing the offense of 4th degree Assault (DV) on or about May 8, 2005, within King County, in violation of the general condition that the defendant not commit any federal, state or local crimes.

2. Failing to report contact with law enforcement within 72 hours of arrest, in violation of standard condition #11.

3. Failing to report for urinalysis testing since May 8, 2005, in violation of the special condition of drug aftercare. (DKT. 23)

On June 1, 2005, Mr. Cummings' supervised release was modified to require participation in a comprehensive community sanctions center until disposition of the pending violations. (DKT. 28) On June 3, 2005, a second application was filed by defendant's probation officer alleging additional violations of supervised release:

4. Consuming alcohol on or about May 28, 2005, in violation of his special condition of supervised release.

5. Failing to reside in and successfully participate in the community corrections center program at Pioneer Fellowship House, as directed by the Court, in violation of his special condition of supervised release. (DKT. 29)

Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted each of alleged violations two through five and waived any evidentiary hearing as to whether they occurred. Defendant denied alleged violation number one, which relates to the commission of a new criminal offense, currently pending trial in Seattle Municipal Court. Violation number one will be set for an evidentiary hearing on August 17, 2005, before The Honorable Monica J. Benton. (DKT. 33)

I therefore recommend the Court find defendant violated his supervised release as alleged in violations two through five and that the Court conduct a hearing limited to the issue of disposition. The disposition hearing will be set before Chief Judge Robert S. Lasnik.

01 Pending a final determination by the Court, defendant has been released to a halfway house
02 on the conditions of supervised release, on the condition of no contact with the alleged victim to
03 the offense pertaining to violation number one, and on an appearance bond.

04 DATED this 6th day of July, 2005.

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06 /s/ MARY ALICE THEILER
07 United States Magistrate Judge
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09 cc: District Judge: Honorable Robert S. Lasnik
10 AUSA: William H. Redkey, Jr.
11 Defendant's attorney: Timothy Lohraff
12 Probation officer: Jennifer J. Tien
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